

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT LANGERMANN,

Plaintiff,

v.

THE HONORABLE PATRICIA A.
SEITZ, *et al.*,

Defendants.

Case No. 2:11-CV-01438-KJD-GWF

ORDER

Presently before the Court is Defendant Blue Card Inc.'s Notice of Action and Motion to Dismiss Action with Prejudice (#36/37). Plaintiff filed a response in opposition (#40) to which Defendant Blue Card Inc. ("Blue Card") replied (#41). Plaintiff also filed a Motion to Strike Blue Card's Reply (#44) and Motion to Transfer Action (#45/48). Blue Card filed a response in opposition (#46) to which Plaintiff replied (#47).

On August 1, 2012, this Court stayed the action, because the United States District Court, Southern District of Florida had entered an order enjoining Plaintiff from prosecuting this action. Plaintiff had an appeal of that order pending in the Eleventh Circuit Court of Appeals. On April 22, 2013, the Eleventh Circuit Court of Appeals affirmed the order of the Southern District of Florida enjoining Plaintiff from prosecuting this action. Further, the Eleventh Circuit determined that the

1 present lawsuit would require this Court to interpret the settlement agreement at issue which would
2 impinge on the Southern District of Florida's continuing duty to interpret and enforce that agreement.
3 The Eleventh Circuit denied Plaintiff's petitions for rehearing and rehearing en banc and mandate
4 issued July 10, 2013. Blue Card filed the present motion to dismiss.

5 It is clear that the exclusive jurisdiction to interpret and enforce the settlement agreement at
6 issue lies with the United States District Court for the Southern District of Florida. Further, Plaintiff
7 has been enjoined from prosecuting this action. Therefore, the Court dismisses this action and denies
8 Plaintiff's motion to transfer which was filed in violation of the injunction. Plaintiff's grievances may
9 only be resolved before the United States District Court for the Southern District of Florida. If
10 Plaintiff files any further motions in this action, the Court will sanction Plaintiff by awarding costs and
11 attorneys fees to Defendants.

12 Accordingly, IT IS HEREBY ORDERED that Blue Card's Motion to Dismiss Action with
13 Prejudice (#36/37) is **GRANTED**;

14 IT IS FURTHER ORDERED that all other outstanding motions are **DENIED as moot**.

15 DATED this 13th day of January 2014.

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19 Kent J. Dawson
20 United States District Judge
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